



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY OF REFILED  
ORIGINAL FILED

In re Application of: )  
Christopher R. Tudan )  
Ahmed Merzouk )  
Lakhdar Arab )  
Geeta Saxena )  
Connie J. Eaves )  
Johanne Cashman )  
Ian Clark-Lewis )  
Hassan Salari )

Serial No. 10/086,177 )

Filed: February 26, 2002 )

For: CXCR4 AGONIST TREATMENT )  
OF HEMATOPOIETIC CELLS )

**Declaration of Pertinent Facts in Support of Petition Under Rule 1.47(a)**

I, Brian G. Kingwell, a Canadian citizen of 375 West 17<sup>th</sup> Avenue, Vancouver, British Columbia, Canada, V5Y 1Z9, hereby declare that:

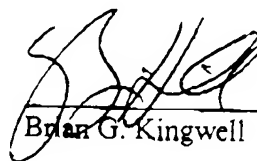
1. I am a partner in the law firm of Smart & Biggar, registered to act before the United States Patent and Trademark Office on behalf of Canadian applicants under Registration No. 39,482. In that capacity, I have assisted in the preparation and filing of the above-referenced application.
2. The above-referenced application was prepared in part based upon instructions from Dr. Christopher R. Tudan, given to me while he was employed by Chemokine Therapeutics Corporation. At all times, I have been of the understanding that rights in the invention are owned by Chemokine Therapeutics Corporation. Following the filing of the application, I understand Dr. Tudan's employment with Chemokine Therapeutics Corporation was terminated by the corporation.
3. Since filing the application, I have on a number of occasions forwarded to Dr. Tudan documents for execution in support of the application, including a Declaration (under 37 CFR 1.63), as well as an Assignment. These documents have been executed by the other inventors. Dr. Tudan has indicated to me in writing that he has received the documents, but that he refuses to sign the documents, as evidenced by the documents attached hereto and itemized in the following paragraphs.
4. Attached as Exhibit "A" to this Affidavit is a copy of an email dated

23 April 2002 from Dr. Tudan to myself, which refers to an attached letter. Attached as Exhibit "B" to this Affidavit is a redacted copy of the letter dated 23 April 2002, which was attached to the email which is in Exhibit "A". The signed document referred to in the letter related to a patent application other than the above-referenced application.

5. Following my receipt of the communications in Exhibits "A" and "B", I wrote to Dr. Tudan to again ask for his assistance in executing the application documents. A copy of my letter to Dr. Tudan dated 01 May 2002 is attached as Exhibit "C". The letter of Exhibit "C" was sent to Dr. Tudan with a copy of the application as filed. In response to my communications, I received from Dr. Tudan the email dated 22 May 2002, which is attached to this Affidavit as Exhibit "D".
6. I understand that there is legal action ongoing relating to Dr. Tudan's termination by Chemokine Therapeutics Corporation.
7. To date, we have received no executed Declaration or Assignment from Dr. Tudan in respect of the present application.
8. To the best of my knowledge, the current address and contact information for Dr. Tudan are as given on the header of the letter of 23 April 2002, from Dr. Tudan to myself, as follows: Christopher Tudan, Ph.D., Cytochroma Inc., 116 Barrie Street, Suite 2424, Bioscience Complex, Queen's University, Kingston, Ontario K7L 3N6, Canada.
9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardise the validity of the application or any patent issued thereon.

Date:

30 July 2002

  
\_\_\_\_\_  
Brian G. Kingwell

**DECLARATION FOR UTILITY OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration  
Submitted with  
Initial Filing

OR

☒ Declaration  
Submitted after Initial  
Filing (surcharge (37  
CFR 1.16(e)) required)

Attorney Docket Number

SMAR-012CIP

First Named Inventor

Tudan et al.

**COMPLETE IF KNOWN**

Application Number

10/086,177

Filing Date

February 26, 2002

Group Art Unit

N/A

Examiner Name

N/A

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**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CXCR4 AGONIST TREATMENT OF HEMATOPOIETIC CELLS**

the specification of which:

☐ is attached hereto

OR

☒ was filed on February 26, 2002 as United States Application Number 10/086,177.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined by 37 CFR 1.56.

Insofar as the subject matter of each of the claims of this application are not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

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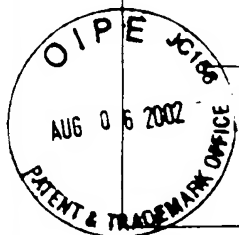
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
2,305,036 2,335,109	Canada Canada	04/12/00 02/23/01			

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)
60/232,425	09/14/00

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application(s) designating the United States of America, listed below.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/835,107	04/12/01	



## DIRECT ALL CORRESPONDENCE TO:

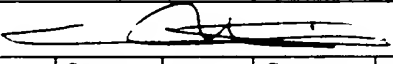
Name	Bret E. Field				
Address	BOZICEVIC, FIELD & FRANCIS LLP				
Address	200 Middlefield Road, Suite 200				
City, State, Zip	Menlo Park, CA 94025				
Country	U.S.A.	Telephone	650-327-3400	Facsimile	650-327-3231

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

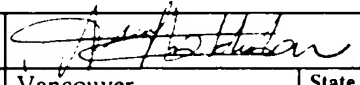
## Name of Sole or First Inventor:

Given Name (first and middle [if any])				Family Name or Surname			
Christopher R.				Tudan			
Inventor's Signature						Date	
Residence: City	Vancouver	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	204-2335 York Street						
City	Vancouver	State	B.C.	Zip	V6K 1C8	Country	Canada

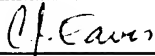
## Name of Second Inventor:

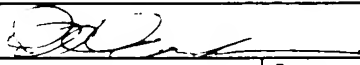
Given Name (first and middle [if any])				Family Name or Surname			
Ahmed				Merzouk			
Inventor's Signature						Date	June 4 <sup>th</sup> 2002
Residence: City	Richmond	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	112-9071 No. 5 Road						
City	Richmond	State	B.C.	Zip	V7A 4E1	Country	Canada

## Name of Third Inventor:


Given Name (first and middle [if any])				Family Name or Surname			
Lakhdar				Arab			
Inventor's Signature						Date	June 4 <sup>th</sup> 2002
Residence: City	Vancouver	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	975 West 13 <sup>th</sup> Avenue						
City	Vancouver	State	B.C.	Zip	V5Z 1P4	Country	Canada

<b>Name of Fourth Inventor:</b>							
Given Name (first and middle [if any])				Family Name or Surname			
Geeta				Saxena			
Inventor's Signature						Date	
Residence: City	Vancouver	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	110-2875 Osoyoos Court						
City	Vancouver	State	B.C.	Zip	V6T 2G3	Country	Canada

<b>Name of Fifth Inventor:</b>							
Given Name (first and middle [if any])				Family Name or Surname			
Connie J.				Eaves			
Inventor's Signature						Date	May 9, 2002
Residence: City	Vancouver	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	2705 West 31 <sup>st</sup> Avenue						
City	Vancouver	State	B.C.	Zip	V6L 1Z9	Country	Canada

<b>Name of Sixth Inventor:</b>							
Given Name (first and middle [if any])				Family Name or Surname			
Johanne				Cashman			
Inventor's Signature						Date	May 9, 2002
Residence: City	Vancouver	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	6070 Blenheim Street						
City	Vancouver	State	B.C.	Zip	V6N 1R1	Country	Canada

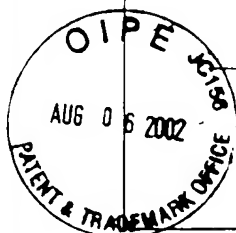
<b>Name of Seventh Inventor:</b>							
Given Name (first and middle [if any])				Family Name or Surname			
Ian				Clark-Lewis			
Inventor's Signature						Date	
Residence: City	Vancouver	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	409-2875 Osoyoos Court						
City	Vancouver	State	B.C.	Zip	V6T 1X5	Country	Canada

Name of Eighth Inventor:							
Given Name (first and middle (if any))				Family Name or Surname			
Hassan				Salari			
Inventor's Signature						Date	May 6, 2012
Residence: City	Delta	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	927 Pacific Drive						
City	Deltad	State	B.C.	Zip	V4M 2K2	Country	Canada

**DECLARATION FOR UTILITY OR DESIGN  
PATENT APPLICATION**  
(37 CFR 1.63)

Declaration  
Submitted with  
Initial Filing      OR      ☒ Declaration  
Submitted after Initial  
Filing (surcharge (37  
CFR 1.16(e)) required)

Attorney Docket Number	SMAR-012CIP
First Named Inventor	Tudan et al.
<b>COMPLETE IF KNOWN</b>	
Application Number	10/086,177
Filing Date	February 26, 2002
Group Art Unit	N/A
Examiner Name	N/A



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CXCR4 AGONIST TREATMENT OF HEMATOPOIETIC CELLS

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\_\_\_\_\_ is attached hereto  
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				YES	NO
2,305,036 2,335,109	Canada Canada	04/12/00 02/23/01			

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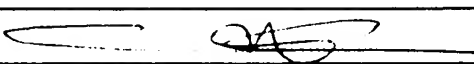
Name	Bret E. Field				
Address	BOZICEVIC, FIELD & FRANCIS LLP				
Address	200 Middlefield Road, Suite 200				
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Country	U.S.A.	Telephone	650-327-3400	Facsimile	650-327-3231

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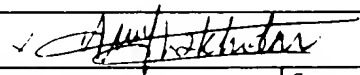
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City	Vancouver	State	B.C.	Zip	V6K 1C8	Country	Canada

## Name of Second Inventor:

Given Name (first and middle (if any))				Family Name or Surname			
Ahmed 				Merzouk			
Inventor's Signature						Date	May 5 <sup>th</sup> 2002
Residence: City	Richmond	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	112-9071 No. 5 Road						
City	Richmond	State	B.C.	Zip	V7A 4E1	Country	Canada

## Name of Third Inventor:

Given Name (first and middle (if any))				Family Name or Surname			
Lakhdar				Arab			
Inventor's Signature						Date	May 5 <sup>th</sup> 2002
Residence: City	Vancouver	State	B.C.	Country	Canada	Citizenship	Canada
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Johanne				Cashman			
Inventor's Signature						Date	
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City	Vancouver	State	B.C.	Zip	V6N 1R1	Country	Canada

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City	Vancouver	State	B.C.	Zip	V6T 1X5	Country	Canada

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Given Name (first and middle [if any])				Family Name or Surname			
Hassan				Salari			
Inventor's Signature						Date	June 03, 2002
Residence: City	Delta	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	927 Pacific Drive						
City	Deltad	State	B.C.	Zip	V4M 2K2	Country	Canada

**DECLARATION FOR UTILITY OR DESIGN  
PATENT APPLICATION**  
(37 CFR 1.63)



Declaration Submitted with Initial Filing      OR      ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

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Examiner Name	N/A

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**DIRECT ALL CORRESPONDENCE TO:**

<b>Name</b>	Bret E. Field				
<b>Address</b>	BOZICEVIC, FIELD & FRANCIS LLP				
<b>Address</b>	200 Middlefield Road, Suite 200				
<b>City, State, Zip</b>	Menlo Park, CA 94025				
<b>C untry</b>	U.S.A.	<b>Telephone</b>	650-327-3400	<b>Facsimile</b>	650-327-3231

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**Name of Sole or First Inventor:**

<b>Given Name (first and middle [if any])</b>				<b>Family Name or Surname</b>			
Christopher R.				Tudan			
<b>Inventor's Signature</b>						<b>Date</b>	
<b>Residence: City</b>	Vancouver	<b>State</b>	B.C.	<b>Country</b>	Canada	<b>Citizenship</b>	Canada
<b>Post Office Address</b>	204-2335 York Street						
<b>City</b>	Vancouver	<b>State</b>	B.C.	<b>Zip</b>	V6K 1C8	<b>Country</b>	Canada

**Name of Second Inventor:**

<b>Given Name (first and middle [if any])</b>				<b>Family Name or Surname</b>			
Ahmed				Merzouk			
<b>Inventor's Signature</b>						<b>Date</b>	
<b>Residence: City</b>	Richmond	<b>State</b>	B.C.	<b>Country</b>	Canada	<b>Citizenship</b>	Canada
<b>Post Office Address</b>	112-9071 No. 5 Road						
<b>City</b>	Richmond	<b>State</b>	B.C.	<b>Zip</b>	V7A 4E1	<b>Country</b>	Canada

**Name of Third Inventor:**

<b>Given Name (first and middle [if any])</b>				<b>Family Name or Surname</b>			
Lakhdar				Arab			
<b>Inventor's Signature</b>						<b>Date</b>	
<b>Residence: City</b>	Vancouver	<b>State</b>	B.C.	<b>Country</b>	Canada	<b>Citizenship</b>	Canada
<b>Post Office Address</b>	975 West 13 <sup>th</sup> Avenue						
<b>City</b>	Vancouver	<b>State</b>	B.C.	<b>Zip</b>	V5Z 1P4	<b>Country</b>	Canada

<b>Name of Fourth Inventor:</b>							
Given Name (first and middle [if any])				Family Name or Surname			
Geeta				Saxena			
Inventor's Signature	<i>Geeta Saxena</i>					Date	May 7 <sup>th</sup> 2022
Residence: City	Vancouver	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	110-2875 Osoyoos Court						
City	Vancouver	State	B.C.	Zip	V6T 2G3	Country	Canada

<b>Name of Fifth Inventor:</b>							
Given Name (first and middle [if any])				Family Name or Surname			
Connie J.				Eaves			
Inventor's Signature						Date	
Residence: City	Vancouver	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	2705 West 31 <sup>st</sup> Avenue						
City	Vancouver	State	B.C.	Zip	V6L 1Z9	Country	Canada

<b>Name of Sixth Inventor:</b>							
Given Name (first and middle [if any])				Family Name or Surname			
Johanne				Cashman			
Inventor's Signature						Date	
Residence: City	Vancouver	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	6070 Blenheim Street						
City	Vancouver	State	B.C.	Zip	V6N 1R1	Country	Canada

<b>Name of Seventh Inventor:</b>							
Given Name (first and middle [if any])				Family Name or Surname			
Ian				Clark-Lewis			
Inventor's Signature						Date	
Residence: City	Vancouver	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	409-2875 Osoyoos Court						
City	Vancouver	State	B.C.	Zip	V6T 1X5	Country	Canada

<b>Name of Eighth Inventor:</b>							
Given Name (first and middle (if any))				Family Name or Surname			
Hassan				Salari			
Inventor's Signature						Date	
Residence: City	Delta	State	B.C.	Country	Canada	Citizenship	Canada
Post Office Address	927 Pacific Drive						
City	Deltad	State	B.C.	Zip	V4M 2K2	Country	Canada

**POWER OF ATTORNEY  
BY ASSIGNEE**



Attorney Docket	SMAR012CIP
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Filing Date	February 26, 2002
Group Art Unit	N/A
Confirmation No.	N/A
Examiner Name	N/A
Title: CXCR4 Agonist Treatment of Hematopoietic Cells	

Chemokine Therapeutics Corporation, assignee of the above-identified application by assignment dated 5/5/02, 5/5/02, 5/6/02, 5/9/02, 5/9/02, 5/19/02, 5/6/02

hereby appoints:

**BOZICEVIC, FIELD & FRANCIS LLP**

Name	Registration No.	Name	Registration No.
Karl Bozicevic	28,807	Pamela J. Sherwood	36,677
Bret E. Field	37,620	Carol M. LaSalle	39,740
Carol L. Francis	36,513	Paula A. Borden	42,344
Alan W. Cannon	34,977	Frank P. Becking	42,309
Kathleen S. Hall	44,143	Robert C. Hall	39,209

as its attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

**DIRECT ALL CORRESPONDENCE TO:**

Individual Name	Bret E. Field		
Firm Name	BOZICEVIC, FIELD & FRANCIS LLP		
Address	200 Middlefield Road, Suite 200		
City, State, Zip	Menlo Park, California 94025		
Country	U.S.A.		
Telephone	(650) 327-3400	Facsimile	(650) 327-3231

**SIGNATURE of Assignee of Record**

In accordance with 37 CFR §3.73(b) I hereby certify that I am empowered to act on behalf of the Assignee of the above-identified patent application. The original Assignment is concurrently being forwarded to the Assignment Branch of the U.S. Patent Office for recordation.

I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code §1001 and that such willful false statements may jeopardize the validity of the above referenced application or any patent resulting from that application.

Name and Company	Chemokine Therapeutics Corp. D. Hassan SALARI		
Title	President & CEO		
Signature		Date	May 06, 2002

**POWER OF ATTORNEY  
BY ASSIGNEE**



Attorney Docket	SMAR012CIP
First Named Inventor	Tudan et al.
Application Number	10/086,177
Filing Date	February 26, 2002
Examiner Name	N/A
Group Art Unit	N/A
Confirmation No.	N/A
Title: CXCR4 Agonist Treatment of Hematopoietic Cells	

The University of British Columbia, assignee of the above-identified application by assignment dated 5/5/02, 5/5/02, 5/6/02, 5/9/02, 5/9/02, 5/19/02, 5/06/02, hereby appoints:

**BOZICEVIC, FIELD & FRANCIS LLP**

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Carol L. Francis	36,513	Paula A. Borden	42,344
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as its attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

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Name and Company	David P. Jones		
Title	Associate Director University-Industry Liaison		
Signature		Date	August 6, 2002